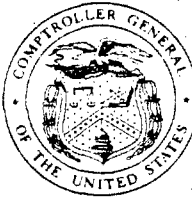


Lieberman
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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

[Protest of Bid Rejection for Failure to Acknowledge Amendment]

FILE: B-199759

DATE: August 29, 1980

MATTER OF: ^{PLG 05173} American Office Equipment Company; Parkway
Business Machines Company
^{PLG 05174}

DIGEST:

Protests filed with GAO more than 10 working days after protesters were advised of reason that their bids were rejected as nonresponsive are untimely under our Bid Protest Procedures and not for consideration on merits.

American Office Equipment Company (American), by letter dated July 23, 1980, and Parkway Business Machines Company, by letter dated July 30, 1980, protest the rejection of their bids by the General Services Administration (GSA) under solicitation No. GSD-4DPR-00008.

Bid opening occurred on June 10, 1980. American and Parkway were advised by GSA on June 17, 1980, that their bids had been rejected as nonresponsive for failure to acknowledge an amendment to the solicitation and the substance of the amendment. Both protesters assert that they did not receive the amendment from GSA and contend that since the amendment was minor and did not affect the substance of the contract or their bids, the failure to acknowledge should be waived as a minor informality.

Section 20.2(b)(2) of our Bid Protest Procedures requires that "bid protests shall be filed not later than 10 days after the basis for the protest is known or should have been known." 4 C.F.R. § 20.2(b)(2) (1980). Although both protesters discussed the matter with the agency, there is no indication that either protested to the agency. American's protest was filed (received) in our Office on July 29, 1980, 29 working days after American was advised of the grounds for the nonresponsiveness determination which provides its basis for protest; Parkway's protest was filed August 1, 1980, 32 working days after being so advised. Thus, neither protester met the 10-day filing deadline required by our Procedures.

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The protests are dismissed as untimely.

Harvey D. Van Cleave
for Milton J. Socolar
General Counsel